

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

2016 NOV 14 P 4:52

UNITED STATES OF AMERICA

v.

ANDREW OTTO BOGGS
(a/k/a "INCURSIO")

&

JUSTIN GRAY LIVERMAN
(a/k/a "D3F4ULT"),

Defendants.

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

Criminal No. 1:16-MJ-406

JOINT MOTION TO FURTHER EXTEND TIME FOR INDICTMENT

The United States, by and through its attorneys, Dana J. Boente, United States Attorney for the Eastern District of Virginia, Maya D. Song and Jay V. Prabhu, Assistant United States Attorneys, with the express consent of the defendants ANDREW OTTO BOGGS and JUSTIN GRAY LIVERMAN, respectfully moves this Honorable Court to further extend the time to indict this case up to and including December 28, 2016, which represents a 36-day extension on the current time to indict this case. In support thereof, the parties state as follows:

1. On September 8, 2016, defendants BOGGS and LIVERMAN were arrested in North Carolina on charges of conspiracy to falsely impersonate government officers, commit aggravated identity theft, commit computer fraud, perpetrate false information and hoaxes, and make harassing telephone calls. Later that day, BOGGS made his initial appearance in the U.S. District Court for the Western District of North Carolina, and LIVERMAN made his initial appearance in the U.S. District Court for the Eastern District of North Carolina. Both defendants were released on bond.

2. On September 13, 2016, LIVERMAN made his initial appearance in this Court and was appointed an Assistant Federal Public Defender. His preliminary hearing was set for September 28, 2016, and he was continued out on bond. On September 28, 2016, after conducting a preliminary hearing, the Court found probable cause as to LIVERMAN's charges.

3. On September 14, 2016, BOGGS made his initial appearance in this Court and was appointed a CJA-panel attorney. BOGGS waived his preliminary hearing and was continued out on bond.

4. On September 30, 2016, the government filed a consent motion with the Court to extend the time to indict in this case up to and including November 22, 2016, so that the defendants could have time to review early discovery and the parties could engage in pre-indictment negotiations. *See* ECF No. 25. On October 3, 2016, the Court granted the motion. *See* ECF No. 26. As a result, the time to indict currently expires on November 22, 2016.

5. On November 1, 2016, LIVERMAN submitted a motion for substitution of counsel, which the Court granted the same day. *See* ECF No. 37. LIVERMAN is now represented by the undersigned retained counsel, who have requested this additional extension to give them time to review the case materials, including the government's early discovery which LIVERMAN's new counsel have or will obtain from LIVERMAN's prior counsel. LIVERMAN's co-defendant BOGGS has no objection to this extension.

6. Accordingly, the parties jointly request a further extension on the government's time to indict this case up to and including December 28, 2016. Granting this 36-day further extension would be in the best interests of justice in that it would give new defense counsel adequate time to review discovery materials, meet with their client, and engage in plea negotiations. The government has already provided early discovery to the defendants.

7. Counsel for defendant LIVERMAN has explained to defendant his rights, and LIVERMAN has agreed to waive any objections under the Speedy Trial Act with respect to the requested extension, and to extend the government's time to indict this case for an additional 36 days, up to and including December 28, 2016.

8. LIVERMAN expressly understands that his waiver is not predicated upon any promises, agreements, or understandings of any kind between the government and LIVERMAN in this case, and that nothing contained herein shall be construed to preclude the government from proceeding against LIVERMAN during or after the time period covered by this waiver.

9. By his signature below, defendant LIVERMAN represents to this Honorable Court that he hereby knowingly, intelligently, and voluntarily waives his right to indictment within the current prescribed limits insofar as he requests the aforementioned extension.

10. Counsel for defendant BOGGS has explained to defendant his rights, and BOGGS has agreed to waive any objections under the Speedy Trial Act with respect to the requested extension, and to extend the government's time to indict this case for an additional 36 days, up to and including December 28, 2016.

11. BOGGS expressly understands that his waiver is not predicated upon any promises, agreements, or understandings of any kind between the government and BOGGS in this case, and that nothing contained herein shall be construed to preclude the government from proceeding against BOGGS during or after the time period covered by this waiver.

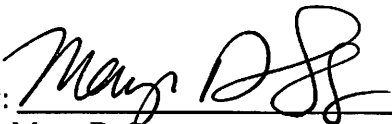
12. By his signature below, defendant BOGGS represents to this Honorable Court that he hereby knowingly, intelligently, and voluntarily waives his right to indictment within the current prescribed limits insofar as he requests the aforementioned extension.

WHEREFORE, the parties request that the time to indict this case be further extended to and including December 28, 2016, and that such time be excluded in computing the time within which an indictment must be filed pursuant to 18 U.S.C. § 3161(h).

Date: Nov. 14, 2016, 2016

Respectfully submitted,

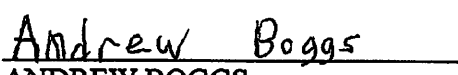
Dana J. Boente
United States Attorney

By: 
Maya D. Song
Jay V. Prabhu
Assistant U.S. Attorneys


Joseph Longobardo
Special Assistant U.S. Attorney (LT)

JOINT MOTION TO FURTHER EXTEND TIME FOR INDICTMENT –
SEEN AND AGREED TO BY:



Jeff Zimmerman, Esq.
Counsel for Defendant BOGGS


ANDREW BOGGS
Defendant

JOINT MOTION TO FURTHER EXTEND TIME FOR INDICTMENT –
SEEN AND AGREED TO BY:



Marina Medvin, Esq.
Jay Leiderman, Esq.
Tor Ekeland, Esq.
Counsel for Defendant LIVERMAN



JUSTIN LIVERMAN
Defendant